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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/22/2003

Douglas A. Beigel

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7590

10/05/2009

THE NATH LAW GROUP

112 South West Street

Alexandria, VA 22314

EXAMINER

UTAMA, ROBERT J

ART UNIT

PAPER NUMBER

3715

MAIL DATE

DELIVERY MODE

10/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/665,511	Applicant(s) BEIGEL, DOUGLAS A.	
	Examiner ROBERT J. UTAMA	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Status of the application

1. This office action is a response to the amendment and argument filed on 07/02/2009. The current statuses of claim in the application are as follow: claims 1-13 and 18-27 are still pending and claims 14-17 have been cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/02/2009 has been entered.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 11-13, 18-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In order to be considered patent eligible under 35 USC 101, a claimed process must contain a sufficient tie to a machine, article of manufacture or a composition of matter. *In re Bliski* 545 F.3d 943, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008). In this case, the claimed invention does not have a sufficient tie to any machine, article of manufacture or a composition of matter and the claimed apparatus must impose a particular limit on the claim's scope and the use of the machine involve more than an insignificant extra-solution activity. In this particular case, the claimed method does not set forth any ties to any other statutory subject matter do not impose a particular limit on the claim's scope and the use of the machine involve more than an insignificant extra-solution activity (see argument).

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Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-13, 18-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, 11 and 21 set forth the limitation where " and other question groups contained within the group that it controls" The limitation of "other question group" lacks antecedent basis and the limitation of "... within the group that *it* control is indefinite since it is not clear what the word "it" correspond to.

8. Claims 1-13, 18-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1, 11 and 21 set forth the limitation where " and other question groups contained within the group that it controls". The specification provided fails to provide information on how responses from the evaluation question can be used to determine the display of the other question group.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. **Claims 1, 8, 11, 22 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Singer US 6,557,009 and in view of COLA and further in view of Haunschild US 2004/0139053**

Claim 1, 11 and 22: The Singer reference database storing a plurality of evaluation question and plurality of assessment question (see col. 5:55-68); wherein the evaluation question ask for information usable to construct a profiles of at least one organization (see col. 9:20-30); wherein the assessment question ask for information usable to construct profiles of at least one organization (see col. 8:1-15); wherein subsets of said plurality of evaluation and assessment question are combinable to form a plurality of assessment courses (see col. 10:33-40); a server connected to said database via communication network having a processor configured to cause a graphical user interface to be displayed to a network access device connected to said server via said communication network (see FIG 1 item 13, 14, 19); wherein said processor is further configured to present to an assessed user as an individual personnel of an organization seeking one compliance certification via said graphical user interface, a subset of evaluation comprised by at least one of said plurality of assessment course (see col. 9:20-30) wherein said processor is further configured to received responses from the assess user to said subset of evaluation question (see 10:33-40); the processor is further configured to

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construct at least one profile of the organization seeking said at least one compliance certification based on said responses to said subset of evaluation question (see FIG 3Ci); wherein said processor is further configured to present to the assessed user via said graphical user interface a subset of assessment question comprised by said at least one of said assessment courses and corresponding to said at least one profile of the organization seeking said compliance certification (see FIG 3F) and wherein said processor is further configured to receive responses from the assessed user to the subset of assessment question comprising said at least one of said plurality of assessment question (see col.).

The Singer reference do not provide a teaching where the profile comprises of substantive work-function related information at least one of the substantive work-fuction relation information selected from the group consisting of specialties (see COLA reference page 7 specialties “Chemistry”, “Hematology”, “Microbiology” and etc). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature where the profile comprises of substantive work-function related information at least one of the substantive work-fuction relation information selected from the group consisting of specialties, as taught by COLA, in order to better define the facilities to be inspected.

The Singer reference failed to provide a teaching where the response from the assess user to said subset of evaluation question controlling the display of the assessment question and other question groups contained with group that it control, wherein only assessment question being applicable by the assessed user are presented. However, the Haunschild reference provides provide a teaching where the response from the assess user to said subset of evaluation question controlling the display of the assessment question and other question groups contained with group that it control, wherein only assessment question being applicable by the assessed user are presented (see paragraph 21-23). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of the response from the assess user to said subset of evaluation question controlling the display of the assessment

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question and other question groups contained with group that it control, wherein only assessment question being applicable by the assessed user are presented, as taught by Haunschild, in order to format the assessment that is relevant to the current assessment.

Claim 8 and 21: The Singer reference provides a teaching where the communication network is at lest a portion of the global, public internet (see FIG 1 item 13).

Claim 25 and 26: The Singer reference provides a teaching where the score the responses to said assessment question to dertermin whether the organization seeking said at least one compliance certification at least in part meets the requirement for said at least one compliance certification (see col. 9:60-10-5).

12. **Claims 2-7, 12-13, 19, 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singer US 6,557,009, in view of COLA, in view of Haunschild US 2004/0139053 and further in view of Bua 2003/0167187.**

Claim 2 and 23: The Singer reference fail to produce a teaching of a first plurality of minimum scores stored in said database each corresponding to one the subset of evaluation question comprised by each of said plurality of assessment course. However, the Bua reference provides a teaching of a first plurality of minimum scores stored in said database each corresponding to one the subset of evaluation question comprised by each of said plurality of assessment course (see paragraph 59 and Table 1 "substantial compliance ..."). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of a first plurality of minimum scores stored in said database each corresponding to one the subset of evaluation question comprised by each of said plurality of assessment course, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

Claim 3: The Singer reference fail to produce a teaching of a second plurality of minimum scores stored in said database each corresponding to one the subset of evaluation question

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comprised by each of said plurality of assessment course. However, the Bua reference provides a teaching of a second plurality of minimum scores stored in said database each corresponding to one the subset of evaluation question comprised by each of said plurality of assessment course (see paragraph 59 and Table 1 "No actual harm ..."). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of a second plurality of minimum scores stored in said database each corresponding to one the subset of evaluation question comprised by each of said plurality of assessment course, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

Claim 4: The Singer reference fails to provide a teaching of calculating a first score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course. The Bua reference provides a teaching of calculating a first score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course (see paragraph 52). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of calculating a first score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

Claim 5: The Singer reference fails to provide a teaching of calculating a second score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course. The Bua reference provides a teaching of calculating a second score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course (see paragraph 57). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of calculating a first score based on said response to the

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subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

Claim 6 and 7: The Singer reference fail to provide a teaching where the first and second score is equal or exceeds one of said first and second plurality of minimum scores corresponding to the subset of said plurality of assessment question comprised by said at least onf said plurality of assessment courses. However, the Bua reference provides a teaching of the first and second score is equal or exceeds one of said first and second plurality of minimum scores corresponding to the subset of said plurality of assessment question comprised by said at least onf said plurality of assessment courses (see paragraph 59). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of the first and second score is equal or exceeds one of said first and second plurality of minimum scores corresponding to the subset of said plurality of assessment question comprised by said at least onf said plurality of assessment courses, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

Claim 12: The Singer reference fail to produce a teaching of a first plurality of minimum scores stored in said database each corresponding to one the subset of evaluation question comprised by each of said plurality of assessment course. However, the Bua reference provides a teaching of a first plurality of minimum scores stored in said database each corresponding to one the subset of evaluation question comprised by each of said plurality of assessment course (see paragraph 59 and Table 1 "substantial compliance ..."). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of a first plurality of minimum scores stored in said database each corresponding to one the subset of evaluation question comprised by each of said plurality of assessment course, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

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The Singer reference fail to produce a teaching of a second plurality of minimum scores stored in said database each corresponding to one the subset of evaluation question comprised by each of said plurality of assessment course. However, the Bua reference provides a teaching of a second plurality of minimum scores stored in said database each corresponding to one the subset of evaluation question comprised by each of said plurality of assessment course (see paragraph 59 and Table 1 "No actual harm ..."). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of a second plurality of minimum scores stored in said database each corresponding to one the subset of evaluation question comprised by each of said plurality of assessment course, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

Claim 13: The Singer reference fails to provide a teaching of calculating a first score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course. The Bua reference provides a teaching of calculating a first score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course (see paragraph 52). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of calculating a first score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

The Singer reference fails to provide a teaching of calculating a second score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course. The Bua reference provides a teaching of calculating a second score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course (see paragraph 57). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the

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invention to include the feature of calculating a first score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

The Singer reference fail to provide a teaching where the first and second score is equal or exceeds one of said first and second plurality of minimum scores corresponding to the subset of said plurality of assessment question comprised by said at least onf said plurality of assessment courses. However, the Bua reference provides a teaching of the first and second score is equal or exceeds one of said first and second plurality of minimum scores corresponding to the subset of said plurality of assessment question comprised by said at least onf said plurality of assessment courses (see paragraph 59). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of the first and second score is equal or exceeds one of said first and second plurality of minimum scores corresponding to the subset of said plurality of assessment question comprised by said at least onf said plurality of assessment courses, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

Claim 19: The Singer reference fails to wherein a weight is assigned to each of plurality of responses to the subset of said plurality of assessment question comprising said at least one of said plurality of assessment of course, said weight being relative to other of said plurality of response based on compliance with at least one goal of said certification. The Bua reference provides a teaching a weight is assigned to each of plurality of responses to the subset of said plurality of assessment question comprising said at least one of said plurality of assessment of course, said weight being relative to other of said plurality of response based on compliance with at least one goal of said certification (see paragraph 54). Therefore, it would have been obvious to one of ordinary skilled in the art a weight is assigned to each of plurality of responses to the subset of said plurality of assessment question comprising said at least one of

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said plurality of assessment of course, said weight being relative to other of said plurality of response based on compliance with at least one goal of said certification, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

Claim 24: The Singer reference fails to provide a teaching of calculating a score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course. The Bua reference provides a teaching of calculating a score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course (see paragraph 57). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of calculating a first score based on said response to the subset of plurality of evaluation question comprised by said at least one of said plurality of assessment course, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

The Singer reference fail to provide a teaching where the first and second score is equal or exceeds one of said first and second plurality of minimum scores corresponding to the subset of said plurality of assessment question comprised by said at least onf said plurality of assessment courses. However, the Bua reference provides a teaching of the first and second score is equal or exceeds one of said first and second plurality of minimum scores corresponding to the subset of said plurality of assessment question comprised by said at least onf said plurality of assessment courses (see paragraph 59). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of the first and second score is equal or exceeds one of said first and second plurality of minimum scores corresponding to the subset of said plurality of assessment question comprised by said at least onf said plurality of assessment courses, as taught by Bua, in order to objectively judge the quality of the compliance (see paragraph 10-11).

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Claim 27: The Singer reference provides a teaching where the score the responses to said assessment question to determine whether the organization seeking said at least one compliance certification at least in part meets the requirement for said at least one compliance certification (see col. 9:60-10-5).

13. Claims 9-10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singer US 6,557,009 in view of COLA, in view of Haunschild US 2004/0139053

Claim 9-10, and 18: The Fletcher reference does not provide a teaching wherein each of the responses from the assessed user to the subset of plurality of assessment question comprising said at least one of the plurality courses is indicative of "Yes" and "No" and the Fletcher reference does not provide a teaching where each of the responses from the assessed user to the subset of plurality of assessment question comprising at least one of assessment course is indicative of one of the following "Yes", "No" and "Not Applicable". Instead, the Fletcher reference provides a teaching wherein each of the responses from the assessed user to the subset of plurality of assessment question comprising said at least one of the plurality course in the form of multiple choice (see FIG. 6).

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to choose between the multiple choice as disclosed by Fletcher and "Yes" and "No" binary (and "Yes", "No" and N/A) choices as claimed by the applicant. One of ordinary skill in the art would have been expected the multiple choice form of Fletcher and the binary choice form of applicant's invention to perform equally well in receiving user's input. Therefore, it would have been prima facie obvious to modify Fletcher to obtain the invention as specified in claim 9-10, 15 and 18 because such modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Fletcher.

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14. **Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Singer US 6,557,009, in view of COLA, in view of Haunschild US 2004/0139053 and further in view of Allison US 6,546,230.**

Claim 20: The Singer reference fails to provide a teaching of displaying a deficiency macro to said assessed user, via said graphical user interface, when one of said plurality of responses to the subset of evaluation/assessment question comprising at least one of said plurality of assessment courses is indicative of "No". However, the Allison reference provides a teaching of displaying a deficiency macro to said assessed user, via said graphical user interface, when one of said plurality of responses to the subset of evaluation/assessment question comprising at least one of said plurality of assessment courses is indicative of "No" (see col. 10:30-45 and FIG. 7). Therefore, it would have been obvious to include the feature of displaying a deficiency macro to said assessed user, via said graphical user interface, when one of said plurality of responses to the subset of evaluation/assessment question comprising at least one of said plurality of assessment courses is indicative of "No", as taught by Allison, in order to inform the assessed user which area that the user need to concentrate in order to qualify for the certification (see col. 10:40-45).

Response to Arguments

15. Applicant's arguments with respect to claims 1-13, 18-27 have been considered but are moot in view of the new ground(s) of rejection.

16. With respect to applicant's argument that claims 11-13 and 18-21 are directed toward a statutory subject matter. The decision of *in re Bliski* requires that a statutory process must contain sufficient tie to particular apparatus or transform a particular article into a different article or state and also requires that the tie to the particular apparatus must be more than an insignificant extra-solution activity. In this particular case, the examiner content that while one may agree that the limitation of "a network access device" is a tie to another statutory

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subject matter; the tie of the “network access device” neither impose a particular limit on the claim’s scope nor does the use of the machine involve more than an insignificant extra-solution activity. The limitation “causing a graphical user interface to be displayed on network access device” is not central to the purpose of the method. In this particular case, the method is performing the compliance certification.

Request of Information under 37 CFR 1.105

17. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

18. The information is required to identify products and services embodying the disclosed subject matter of an online system to insure compliance and certification found in the prior art. The examiner notes that the assignee’s website seems to indicate that the program and the online education program to insure compliance and certification has been available since July 21, 2001 (see NPL evidence). As such, the examiner would need to see all of the documents related to the COLA’s laboratory accreditation program.

19. In response to this requirement, please provide the names of any products or services that have incorporated the claimed subject matter.

20. In response to this requirement, please provide the title, citation and copy of each publication that any of the applicants relied upon to develop the disclosed subject matter that describes the applicant’s invention, particularly as to developing the laboratory accreditation program.

21. For each publication, please provide a concise explanation of the reliance placed on that publication in the development of the disclosed subject matter.

22. In response to this requirement, please state whether any search of prior art was performed. If a search was performed, please state the citation for each prior art collection

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searched. If any art retrieved from the search was considered material to demonstrating the knowledge of a person having ordinary skill in the art to the disclosed 09/20/2001, please provide the citation for each piece of art considered and a copy of the art.

23. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

24. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

Request of Information under 37 CFR 1.105

25. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

26. The information is required to identify products and services embodying the disclosed subject matter of an online system to insure compliance and certification found in the prior art. The examiner notes that the assignee's website seems to indicate that the program and the online education program to insure compliance and certification has been available since July

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21, 2001 (see NPL evidence). As such, the examiner would need to see all of the documents related to the COLA's laboratory accreditation program.

27. In response to this requirement, please provide the names of any products or services that have incorporated the claimed subject matter.

28. In response to this requirement, please provide the title, citation and copy of each publication that any of the applicants relied upon to develop the disclosed subject matter that describes the applicant's invention, particularly as to developing the laboratory accreditation program.

29. For each publication, please provide a concise explanation of the reliance placed on that publication in the development of the disclosed subject matter.

30. In response to this requirement, please state whether any search of prior art was performed. If a search was performed, please state the citation for each prior art collection searched. If any art retrieved from the search was considered material to demonstrating the knowledge of a person having ordinary skill in the art to the disclosed 09/20/2001, please provide the citation for each piece of art considered and a copy of the art.

31. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

32. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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